

DLJ

PSG

CR 14 00390

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

THE UNITED STATES OF AMERICA

vs.

QUAN PHAM HOWARD a/k/a Quan Minh Pham

INDICTMENT

Count One: 21 U.S.C. § 841(a)(1) – Possession with Intent to Distribute Marijuana

Count Two: 18 U.S.C. § 1708 – Possession of Stolen United States Mail

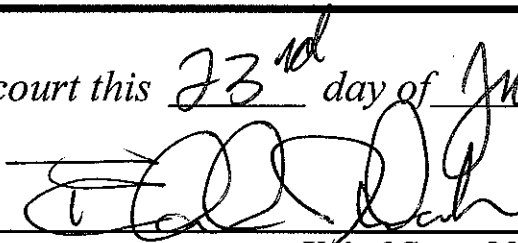
Count Three: 18 U.S.C. § 1703(a) – Delay and Destruction of Mail

A true bill.



Foreperson

Filed in open court this 23rd day of July
A.D. 2014



United States Magistrate Judge
District

Bail. \$ _____

ERIC HOLDER
 United States Attorney General
 BENJAMIN B. WAGNER
 United States Attorney
 MICHELLE RODRIGUEZ
 Special Attorney to the
 Attorney General
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FILED
 2014 JUL 23 P 1:49
 RICHARD W. WIEKING
 CLERK U.S. DISTRICT COURT
 N.D. CALIF.

IN THE UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

CR 14 00390 DL PSG
 SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	CR NO.
)	
Plaintiff,)	VIOLATIONS: 21 U.S.C. § 841(a)(1)-
)	Possession with Intent to
v.)	Distribute Marijuana; 18 U.S.C. §
)	1708-Possession of Stolen United
QUAN PHAM HOWARD,)	States Mail; 18 U.S.C. § 1703(a)-
aka Quan Minh Pham,)	Delay and Destruction of Mail; 21
)	U.S.C. § 853(a)-Criminal Forfeiture
Defendant.)	
)	
)	

I N D I C T M E N T

COUNT ONE: [21 U.S.C. § 841(a)(1) - Possession with Intent to
 Distribute Marijuana]

The Grand Jury charges: T H A T

QUAN PHAM HOWARD,
 defendant herein, on or about June 25, 2014, in the State and
 Northern District of California, did knowingly and intentionally
 possess with intent to distribute approximately 8.27 kilograms of a
 mixture and substance containing a detectable amount of marijuana, a
 Schedule I Controlled Substance, in violation of Title 21, United
 States Code, Section 841(a)(1).

INDICTMENT

1 COUNT TWO: [18 U.S.C. § 1708 - Possession of Stolen United States
2 Mail]

3 The Grand Jury further charges: T H A T
4 QUAN PHAM HOWARD,
5 defendant herein, on or about June 25, 2014, in the State and
6 Northern District of California, did knowingly possess United States
7 mail, as described below, which had been stolen, taken, and
8 abstracted from a United States Post Office, an authorized United
9 States mail receptacle, and other authorized depository for mail
10 matter, knowing the same to have been stolen, taken and abstracted:

- 11 1. 4X32 Compact CQB gun scope with USPS stamp APR-9 2012;
- 12 2. Segmented silver bar;
- 13 3. Gold ring (web design);
- 14 4. Australian 2012 silver dollar coin;
- 15 5. EBAY item ending 4817 (roll of United States penny coins;
- 16 6. 19 Troy ounce .999 fine silver coins in a cylinder with remnant of
17 USPS stamp;
- 18 7. Mykel Hawke folding knife with remnant of USPS stamp;
- 19 8. Silver and gold braided ring in hinged box;
- 20 9. 10 Eisenhower United States dollar coins dated 1972-78;
- 21 10. Two white gold diamond bracelets, each in white box;
- 22 11. United States Mint 2004 coin set;
- 23 12. VISA gift card ending 6266 with USPS stamp Nov 28-2013;
- 24 13. Gift card ending 0425;
- 25 14. 100 Kennedy half-dollar coins in commemorative bag;
- 26 15. Gold braided ring;
- 27 16. Joan Rivers necklace and pendant and bag;
- 28 17. 100 1940 era United States penny coins and 73 buffalo Indian head
nickel coins in envelope with USPS stamp Feb 12 2014;
18. Paua Shell gold 22CT earrings in box;
19. Pearl bracelet and pendant earrings in black box;
20. One ounce 2001 fine silver eagle dollar coin in commemorative
U.S. eagle box;
21. Gun silencer with USPS stamp Feb 18 2014;
22. Gold and silver watch with serial number ending 26-13;
23. Rolex watch in red box with USPS stamp Apr 21 2014;
24. United States Mint 1998 coin set with USPS stamp Apr 16 2014; and
25. Diamond ring (heart design) in box with USPS stamp May 6 2014

25 in violation of Title 18, United States Code, Section 1708.

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INDICTMENT

1 COUNT THREE: [18 U.S.C. § 1703(a) - Delay and Destruction of Mail]

2 The Grand Jury further charges: T H A T

3 QUAN PHAM HOWARD,

4 defendant herein, between on or about April 9, 2012 and June 25,
5 2014, in the State and Northern District of California, while a
6 Postal Service officer and employee, did unlawfully secrete, destroy,
7 detain, delay, and open United States mail, to wit: a 10 pound .999
8 fine copper bar; parcels for victim Vendy T.; and prescription drugs
9 for victims Barry G., Luan T., Kaily D., Anthony M., Charles L.H.,
10 Bettie M., Jeffrey A., Marie S., Yoshiyuki U., Sheila W., Mona M.,
11 and Catalina G., which mail was entrusted to him; which came into his
12 possession; and which was intended to be conveyed by mail, to be
13 carried and delivered by any carrier and other Postal Service
14 employee, and to be forwarded through and delivered from any post
15 office or station established by the Postmaster General or Postal
16 Service, in violation of Title 18, United States Code, Section
17 1703(a).

18 FORFEITURE ALLEGATION: [21 U.S.C. § 853(a) - Criminal Forfeiture]

19 1. Upon conviction of Count One of this Indictment, defendant
20 QUAN PHAM HOWARD shall forfeit to the United States, pursuant to
21 Title 21, United States Code, Section 853(a), any property
22 constituting or derived from proceeds obtained, directly or
23 indirectly, as a result of such offense, and any property used, or
24 intended to be used, in any manner or part, to commit or to
25 facilitate the commission of the offense, including, but not limited
26 to:

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INDICTMENT

- 1 a. Real property located at 11620 Southwood Drive,
2 San Jose, California, APN: 307-02-050, and
3 b. A sum of money equal to the total amount of proceeds
 obtained as a result of the offense, for which the
 defendant is convicted.

4 2. If any property subject to forfeiture, as a result of the
5 offense alleged in Count One of this Indictment, for which the
6 defendant is convicted:

- 7 a. cannot be located upon the exercise of due diligence;
8 b. has been transferred or sold to, or deposited with, a
 third party;
9 c. has been placed beyond the jurisdiction of the Court;
10 d. has been substantially diminished in value; or
 e. has been commingled with other property which cannot
 be divided without difficulty;

11 it is the intent of the United States, pursuant to Title 21, United
12 States Code, Section 853(p), to seek forfeiture of any other
13 property of the defendant, up to the value of the property subject
14 to forfeiture.

15
16 A TRUE BILL.

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18 _____
19 FOREPERSON
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19 Benjamin B. Wagner
20 Benjamin B. Wagner
21 United States Attorney
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DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 Count One: 21 U.S.C. § 841(a)(1) - Possession with Intent to Distribute Marijuana ☐ Petty
 Count Two: 18 U.S.C. § 1708 - Possession of Stolen United States Mail ☐ Minor
 Count Three: 18 U.S.C. § 1703(a) - Delay and Destruction of Mail ☐ Misdemeanor
☒ Felony

PENALTY: All Counts: 5 years imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment fee

Also Count Two: Restitution

CR 14

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S.▶ **QUAN PHAM HOWARD a/k/a Quan Minh Pham**

DISTRICT COURT NUMBER

00390**DLJPSG****DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☐ If not detained give date any prior summons was served on above charges ▶2) ☐ Is a Fugitive3) ☒ Is on Bail or Release from (show District)

NDCA

IS IN CUSTODY4) ☐ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST ▶

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY ▶

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Christine Hodakievic, U.S. Postal Service, OIG

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under**5-14-70865-PSG**

Name and Office of Person

Furnishing Information on this form **MELINDA HAAG**☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

AUSA Michelle Rodriguez**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Bail Amount: _____

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments: